IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20093 of 1997

Between:

M/s. Progressive Constructions Limited, Raghava Block, 7th Floor Chiragali Lane, Hyderabad, represented by its Manager B.Sreenivasulu

..... PETITIONER

AND

1. The Superintending Engineer, Telugu Ganga Project Circle, Nandyal, Kurnool District
2. The Deputy Superintending Engineer, Telugu Ganga Project Circle, Nandyal, Kurnool District
3. The Assistant Pay & Accounts Officer, Telugu Ganga Project Circle, Nandyal, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of the respondent No.1 in deducting the tax at source at the higher rate of 4% on the 70% value of the works contract against contract agreement No.68/94-95/SE/TGP/NDL, dated 20-1-1995 entered into by the

petitioner with the respondents, as illegal, arbitrary, unjust and excessive in the facts and circumstances of the case.

Counsel for the Petitioner:MR.DANTU.SRINIVAS

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER: (per Hon'ble Sri Justice Bilal Nazki)

This writ petition was filed in the year 1997 seeking a declaration that the action of the respondent No.1 in deducting the tax at source at the higher rate of 4% on the 70% value of the works contract against contract agreement No.68/94-95/SE/TGP/NDL, dated 20-01-1995, as illegal and arbitrary.

This Court passed interim order while entertaining the writ petition; the respondents shall not deduct any tax pertaining to the earthwork excavation components but shall be entitled to deduct the TDS at 1% for the other material components.

Since the work has been completed, the payments have been made and the matter pertains to the year 1997, we do not think any further orders can be passed in this writ petition.

Accordingly, the writ petition is dismissed. However, it is made clear that the dismissal of this writ petition in terms of the interim order passed earlier, would not deprive the tax authorities from collecting any tax from the petitioner if it is due under law. No order as to costs.

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(BILAL NAZKI,J)

Dated:27-10-2004

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(S.ANANDA REDDY,J)

GJ

To

1. The Superintending Engineer, Telugu Ganga Project Circle, Nandyal, Kurnool District
2. The Deputy Superintending Engineer, Telugu Ganga Project Circle, Nandyal, Kurnool District
3. The Assistant Pay & Accounts Officer, Telugu Ganga Project Circle, Nandyal, Kurnool District.
4. Two C.Cs. to the Government Pleader for Irrigation & Comm. area development, High Court of A.P., Hyderabad.(OUT)
5. Two C.D.copies.